

FILED BY JK D.C.

05 OCT -4 AM IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF THE MEMPHIS

PHILIP E. BOYNTON, et al.,

Plaintiffs,

vs.

HEADWATERS, INC., et al.,

Defendants.

EASTERN DIVISION

MOTION GRANTED

JON PHIFPS, MOUNTAIN
U.S. DISTRICT JUDGE

Oct. 3, 2005

DATE

Case No. 1-02-1111
Judge McCalla

JURY DEMAND

UNOPPOSED MOTION FOR EXTENSION OF TIME

Philip E. Boynton, Clarence W. Boynton, Norma Ann Logan, Renalda J. Westfall, Shannon Nonn, Aaron Scott Bernard, Alan F. Bernard, Linda R. Bernard, and David Alan Bernard (the "Named Plaintiffs"), respectfully move the Court for an extension of time to file the memorandum concerning conflicts of law and rights as provided by ORDER FOLLOWING TELEPHONE CONFERENCE, entered 9/21/05 [Docket Entry No. 433]. Plaintiffs request a two-day extension from September 28, to September 30, 2005.

The requested extension will not cause prejudice to the Defendant Headwaters, as the Court's September 21, 2005, Order provides that Headwaters will have a specified period to respond measured from the receipt of Plaintiffs' memorandum and, in any event, Plaintiffs will consent to any reasonable request

for additional time made by Headwaters. Further, no prejudice will result because the requested memoranda are informational, are not being submitted in support of any presently pending motion and will not affect the course of discovery or the trial date in this action.

Headwaters does not oppose this motion.

Dated: September 28, 2005.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served on:

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by first class mail on September 28, 2005.

Jeffrey A. Greene
Jeffrey A. Greene



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Honorable Jon McCalla
US DISTRICT COURT